

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLEFILED  
LODGED  
ENTERED  
RECEIVED

SG FEB 01 2019

DONTE McCLELLON, an individual

Plaintiff,

NO. 2:18-cv-00852-JCC

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

v.

WELLS FARGO ADVISORS FINANCIAL  
NETWORK, LLC (CRD#: 11025), a corporation; and  
WELLS FARGO  
CLEARING SERVICES, LLC (CRD#: 19616), a  
corporation

Defendants.

**PLAINTIFF'S REPLY TO  
DEFENDANTS' RESPONSE IN  
OPPOSITION TO PLAINTIFF'S  
MOTION TO VACATE JUDGMENT  
AND FOR LEAVE TO AMEND****NOTE ON MOTION CALENDAR:  
FEBRUARY 8, 2019**

Pro Se Plaintiff Donte McClellon, hereby submits this reply to Defendant's Response in Opposition to Plaintiff's Brief Motion to vacate judgement dated on October 11<sup>th</sup> 2018 and for leave to amend of an additional 14 days to file a Second Amended Complaint.

Corporate Defendant Wells Fargo through its legal counsel Andrew Yates of Lane Powell has deployed fake news before this court in its Opposition and others. Specifically, Andrew Yates of Lane Powell points this court to Exhibit B declaring that Pro Se Plaintiff submitted it which couldn't be further from the truth. Pro Se Plaintiff never submitted nor created the document(s) called into question as Exhibit B. It is clear by simply looking at the bottom right footer of Exhibit B that Fulton Law PLLC created and submitted Exhibit B not Donte McClellon. Curiously Robert Fulton, the sole attorney at Fulton Law PLLC, was employed at Lane Powell which demonstrates an dangerous level of conflict of interest due to these extremely cozy ties. As such, Pro Se Plaintiff urges that severe sanctions be placed against Andrew Yates of Lane Powell for his slanderous and libelous language of Donte McClellon as well as blatant perjury which is highlighted verbatim here:

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Pro Se Plaintiff  
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2 “3. Attached hereto as Exhibit B is a true and correct copy of a purported “declaration,” dated  
3 April 16, 2018, *which was submitted as evidence by Donte McClellon [sic]* in the *McClellon*  
4 Arbitration. And which is referenced in Exhibit A at 2, 2 (describing Exhibit B as a document  
5 “fraudulently created by Claimant” – *namely, Donte McClellon*).”  
6

7 This declaration creates more questions than answers. The Exhibit B literally has Fulton Law  
8 PLLC’s name on it. This is just blatant perjury because Andrew Yates *knows* that Donte McClellon  
9 didn’t create nor submit Exhibit B which can be proven not only through his written declaration and  
10 simply looking at Exhibit B but through discovery and a deposition of Yates and others. A declaration  
11 is based upon, well in the “declare[d] under penalty of perjury” words of Andrew Yates, “have[ing]  
12 personal knowledge of the facts set forth herein and am competent to testify hereto.” So lets listen  
13 closely to what Andrew Yates of Lane Powell has to voluntarily declare in his Declaration dated for  
14 January 28<sup>th</sup> 2019. And later down the line if the court grants Pro Se Plaintiff’s Motion(s), Pro Se  
15 Plaintiff will request the opportunity to depose all witnesses even self-declared ones like Andrew  
16 Yates of Lane Powell to examine what he claims to know and possess that’s applicable to this matter.  
17

18 With concern to sanctions, Andrew Yates of Lane Powell (WSBA No. 34239) must and  
19 should be disbarred. Lawyers such as Andrew Yates of Lane Powell (WSBA No. 34239) are viewed  
20 historically in the eyes of the court as “stewards of justice” and Andrew Yates has abused this by  
21 submitting unsubstantiated and on its face false declaration(s) specifically his Declaration dated for  
22 January 28<sup>th</sup> 2019 intended to defame the Pro Se Plaintiff’s Character, which by all counts, is very  
23 damaging and costly to him to say the least. Pro Se Plaintiff should have the opportunity in the court  
24 of law to exam these unsubstantiated claims raised by Corporate Defendant’s Counsel through  
25 extensive discovery and depositions.  
26

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2 Furthermore, Pro Se Plaintiff filed a good faith motion dated January 20<sup>th</sup> 2019 concerning his  
3 health. And instead of being humane and empathic of Pro Se Plaintiff's health circumstances,  
4 Corporate Defendant through its counsel Andrew Yates of Lane Powell decides to defame Pro Se  
5 Plaintiff which is simply grotesque, illegal, and uncivil. In addition to that, Pro Se Plaintiff is in the  
6 process of appealing that particular "Judgment" (i.e., identified as Defendant's Exhibit A) as Plaintiff  
7 did not have any involvement and/or participation in that repeatedly referenced Arbitration proceeding  
8 conducted by AAA. In conjunction with that appeal, Pro Se Plaintiff vigorously denies any and all of  
9 the allegations of wrongdoing and/or innuendos made by Corporate Defendant Wells Fargo, its  
10 counsel as well as this identified AAA Arbitrator. More specifically where Yates declares, "was  
11 submitted as evidence by Donte McClellon in the McClellon Arbitration, and which is referenced in  
12 Exhibit A at 2, 2 (describing Exhibit B as a document "fraudulent created by Claimant" – namely,  
13 Donte McClellon)." Again, Pro Se Plaintiff never submitted nor created any fraudulent evidence or  
14 any evidence for that matter during an AAA Arbitration. Again, Pro Se Plaintiff did not participate nor  
15 initiate a AAA Arbitration.  
16

17 Moreover, what relevance does any of this have in this case; Pro Se Plaintiff never mention in  
18 his motion what condition that he has other than the fact that "Pro Se Plaintiff Donte McClellon has  
19 been battling a chronic disease for over a year and it had intensified since Mid-October 2018 leaving  
20 the Pro Se Plaintiff physically incapable to respond in a timely matter [and meet deadlines] to this case  
21 and many other cases." First and foremost, who is Andrew Yates to "suggests that Plaintiff's  
22 unsubstantiated claim of chronic illness should be viewed with skepticism." [?] And second, is Andrew  
23 Yates a self-declared doctor too who is licensed to diagnose someone from a written page? This  
24 should make any decent person reading Andrew Yates's pleading flabbergasted that he has the nerve  
25 to say any of this. It is Andrew Yates of Lane Powell that should be disbarred and imprisoned for  
26 committing perjury before this court. It is the belief of the Pro Se Plaintiff that his own pleadings have

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1  
2 been mischaracterized and misinterpreted in such a way that this court wasn't able to appreciate where  
3 he himself was going with it, which actually has a lot to do with Andrew Yates' overt manipulation in  
4 this proceeding by making false and defamatory statements about the Pro Se Plaintiff. Pro Se Plaintiff  
5 was indeed prejudice and seeks for this court to grant him the opportunity to further clarify his  
6 position through a second amended complaint, discovery, depositions and eventual jury trial.  
7 Therefore through his motion(s), the Pro Se Plaintiff is proposing that this court was erred in  
8 dismissing his amended complaint via extreme manipulation and grotesque tactics deployed by  
9 Corporate Defendant Wells Fargo through its counsel Andrew Yates of Lane Powell and must vacate  
10 judgment dated on October 11<sup>th</sup> 2018 and grant with leave to amend of 14 days.  
11

12  
13 DATED this 1<sup>st</sup> day of February, 2019

14 By *Donte McClellon*  
15 Donte McClellon,  
16 Pro Se Plaintiff  
17 7909 37<sup>th</sup> Ave S.  
18 Seattle, Washington 98118  
19  
20  
21  
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23  
24  
25  
26

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**CERTIFICATE OF SERVICE**

I hereby certify under the penalty of perjury of the laws of the state of Washington that on 1<sup>st</sup> of February 2019, I caused to be served a copy of the attached document(s) to the following counsel of record via mail:

Andrew Yates

LANE POWELL PC

1420 Fifth Avenue, Suite 4200

P.O. Box 91302

Seattle, WA 98111-9402

Dated this 1<sup>st</sup> Day of February, 2019

  
/s/ Donte McClellon

Donte McClellon

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